

AN ACT

— TO —

INCORPORATE

— THE —

VILLAGE OF PROCTOR.

Approved November 25, 1884.

RUTLAND :
THE TUTTLE COMPANY, PRINTERS.

1885.

VILLAGE of PROCTOR.

No. 222.—AN ACT TO INCORPORATE THE VILLAGE OF PROCTOR.

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It is hereby enacted by the General Assembly of the State of Vermont:

SEC. 1. The inhabitants of those portions of the towns of Rutland and Pittsford embraced within the following described limits, namely: School district number twenty-one in Pittsford, school district number fourteen in Rutland, and the farm adjoining said district number fourteen, known as the German H. Chatterton farm, now owned by Nelson G. Piper, are hereby incorporated and made a body corporate and politic under the name of the village of Proctor, and by that name may sue and be sued, prosecute and

defend, in any court; may have a common seal and the same alter at pleasure; may take, hold, purchase and convey real and personal estate; and generally shall have, exercise and enjoy all such rights, immunities, powers and privileges as are incident to public corporations. Territory may be added to said village by vote of either of said towns of Rutland or Pittsford, and the consent of said village in the manner now provided by law for setting additional territory to a school district.

SEC. 2. The officers of said corporation shall consist of a president, clerk, three trustees, a treasurer, collector of taxes, three auditors, three fire wardens, and three prudential committee, not more than two of whom shall reside in the same town, to be elected as hereinafter provided, and who shall hold their offices until their successors are chosen. The trustees shall, previous to an annual village meeting, prepare an alphabetical list of the persons qualified to vote at such annual meeting, in the same manner, and subject to the same provisions in respect to corrections and use in all respects, as are enacted by chapter six of the Revised Laws concerning a check list of voters for use in freemen's meetings; the trustees having the same powers and duties in respect thereto as are by said chapter conferred upon the selectmen and the board of civil authority of towns. When a vacancy occurs in any of the offices of said village, required to be filled by election, by reason of non-acceptance, death, removal, insanity, refusal to act, or from any other cause, the village may fill the vacancy by a new election for the unexpired term, at any legal meeting. The trustees may, by temporary appointment, fill any vacancy which may occur in any of the offices of said village, including the offices of president of the village and trustee, and the persons so appointed by said trustees shall hold their offices until the village shall elect others in their stead as above provided; and such appointments shall be recorded in the office of the clerk of the village.

SEC. 3. Every person who resides within the limits of said village, and is a legal voter in town meeting, in either of the towns of Rutland or Pittsford, shall be entitled to vote in any village meeting.

SEC. 4. The annual meeting of said village shall be holden on the last Tuesday in March, in each year, at such hour and place as the trustees of said village shall appoint, for the purpose of electing a president, clerk, treasurer, collector of taxes, three auditors, three fire wardens, to serve for the term of one year, one trustee and one prudential committee to serve for the period of three years and for the transaction of any business specified in the warning of such meeting, which warning shall be signed by the clerk, and shall specify the time and place of holding said meeting, and such other business, beside the choice of officers, as the trustees may direct; which notice or warning shall be posted up in one or more of the most public places in said village, in each of the towns of Rutland and Pittsford, at least seven and not more than twelve days before the time appointed for such meeting. The election of said officers may be by *viva voce* vote, by unanimous

consent; but unless unanimous consent is given, the election shall be by ballot.

SEC. 5. If the annual meeting of said corporation shall fail to be holden, for want of the notice hereinbefore provided for, or for any other cause, the corporation shall not thereby be prejudiced; and the said several officers may at any time thereafter be elected at a special meeting called for that purpose, as hereinbefore provided for calling annual meetings; but the term of office of any officers so elected at any special meeting shall expire at the same time as if they had been regularly chosen at the annual meeting; and special meetings may be called at any time to fill vacancies which may exist in any of the said several offices by death, resignation, or otherwise.

SEC. 6. It shall be the duty of the president to preside at all meetings of said village, and he shall have the same power as the moderator of town meetings. If the president is absent a president *pro tem.* may be elected by the village. By virtue of his office the president shall be a member of the board of trustees, with veto power only, and president thereof. If the president approves of any vote or resolution of the board of trustees he shall sign the same and the same shall be filed in the office of the clerk of the village; but if he does not approve the same, he shall file his objections thereto in the office of the clerk of said village within two weeks from the passage of said vote or resolution, and in that case the board of trustees at their next regular meeting shall reconsider such vote or resolution, and unless the whole number of said board of trustees vote in favor of the same it shall not take effect. If the president does not file objections to any vote or resolution of said trustees within two weeks after its passage, the same shall take effect without his approval.

SEC. 7. It shall be the duty of the clerk to keep fair and accurate records of all the proceedings of said corporation, and he shall give copies of the same when demanded and shall have power to certify to the same, for which copies he shall receive the same fees as town clerks for similar services; he shall also make out such tax bills as may from time to time be deemed necessary by the trustees, for which he shall have reasonable compensation or such sum as may be agreed upon between him and the trustees. It shall also be his duty to warn special meetings agreeably to the directions of the trustees or a majority of them, or upon petition of ten or more legal voters of said village; and shall also duly warn all annual meetings; special meetings of said corporation shall be warned in the same way and upon the same time hereinbefore provided for calling annual meetings, and the warning thereof shall contain a statement of the business to be transacted. Any meeting of said corporation may be adjourned from time to time, and any business may be transacted at such adjourned meeting which might have been transacted at the original meeting, but no other. The clerk shall also perform all the duties of school district clerks, so far as the same shall be necessary and appropriate.

SEC. 8. The treasurer and collector shall perform the same duties for said corporation as by law required of a town treasurer and collector of town taxes, respectively, and shall have the same powers, proceed in the same manner, be subject to the same liabilities, and shall give bonds to said corporation, conditioned for the faithful performance of their respective duties, with such sureties and in such sum as the trustees, or a majority of them, shall direct. And a failure or neglect on the part of either of said officers for more than ten days after request in writing by the trustees, to furnish satisfactory bonds, shall create a vacancy in such office.

SEC. 9. The trustees shall have the general care of the affairs of said village, excepting such as pertain to the maintaining of public schools; shall assess all taxes required by law or by vote of said village, and shall direct the expenditure of all moneys belonging to said village, excepting such moneys as shall be received, appropriated or voted for maintaining of public schools; and shall draw orders upon the treasurer for all the moneys disbursed by them, and generally shall perform all duties legally enjoined upon them by said corporation.

SEC. 10. The trustees shall have power to appoint police officers, not exceeding five in number, by an instrument in writing under their hands, who shall be qualified by taking an oath that they will faithfully perform their respective duties as such police officers, which instrument of appointment and oath shall be recorded by and in the office of the clerk of said village; but such appointment may be revoked by a majority of said trustees, in their discretion, which revocation shall also be in writing and be recorded by said clerk. Such police officers shall, by virtue of said appointment, be informing officers, constables and conservators of the peace within said village, may serve any criminal process returnable within said village, and upon view of any violation of this act, the provisions thereof, or of any by-law of said corporation within the limits of said village, may arrest the offender forthwith and without warrant for that purpose, and carry such offender before any justice of the peace to answer complaint therefor, and may make complaint on oath in the name of said corporation against such offender, and upon the trial of such complaint shall be a competent witness; provided, that if any such police officer shall so arrest any such offender, he may commit him to the village lock-up or otherwise detain him in safe custody, not exceeding twenty-four hours, at the expiration of which time he shall be discharged unless previously take before some justice of the peace to answer to the offense for which he was arrested; provided further, however, that if such arrest shall be made between sunset of Saturday and sunrise of the following morning, the offender may be retained in safe custody until the next following Monday morning; and for such arrest and the services connected therewith, such police officer shall receive the same fees as sheriffs or constables are entitled to for the same or similar services.

SEC. 11. The auditors shall audit all the accounts of the trustees, treasurer, and prudential committee, and no account shall

be allowed by such auditors without the production of proper vouchers therefor.

SEC. 12. The fire wardens shall have power, in times of fire, to suppress all tumults and riots, by force, if necessary; to direct the labor of all persons present during the continuance of such fires; to remove goods and effects endangered by such fires and protect the same from waste or depredation; to pull down or remove any house, store or other building, when they may deem it necessary to prevent the spreading of such fires, for which neither they nor their assistants shall be made liable, and to require of the inhabitants of said village their aid and assistance for the several purposes aforesaid; and said fire wardens may inspect the manner of manufacturing and keeping gunpowder, lime, ashes, matches, lights, fireworks of all kinds and other combustibles, and the construction and repairs of fire-places, stoves, flues and chimneys in said village. A majority of said fire wardens may, if they deem the same dangerous, order the persons manufacturing and keeping such gunpowder, lime, ashes, matches, lights, fireworks or combustibles, in what manner to manufacture and keep the same; and the owners of such fire places, stoves, flues or chimneys, how to repair the same; and a person who does not obey such order shall be fined not more than twenty dollars.

SEC. 13.—The prudential committee shall have the general care and management of public schools within said village, and shall direct the expenditure of all moneys of said corporation which are received, appropriated or voted for maintaining public schools within said village, and generally shall possess the same powers and perform the same duties as prudential committees of school districts.

SEC. 14. Said village shall have power to make, establish, alter, amend or repeal ordinances, regulations and by-laws for the following purposes:

First. To establish and regulate a market.

Second. To suppress and restrain disorderly and gaming houses, billiard tables, and all descriptions of gaming, and for the destruction of all instruments and devises used for that purpose.

Third. To regulate the exhibition of common showmen, and of shows of every kind not interdicted by law.

Fourth. To abate and remove all public and private nuisances.

Fifth. To compel the owner or occupant of any unwholesome, noisome or offensive house or place, to remove or cleanse the same, from time to time, as may be necessary for the health and comfort of the inhabitants of said village.

Sixth. To direct the location and management of all slaughter houses, meat markets, steam mills, blacksmith shops and sewers.

Seventh. To regulate the manufacture and keeping of gunpowder, ashes and all other combustible and dangerous materials.

Eighth. To regulate the making of alterations and repairs of stove pipes, furnaces, fire-places and other things from which damage by fire may be apprehended, and also to regulate the use

of buildings in crowded localities for hazardous purposes; to provide for the preservation of buildings from fires, by precautionary measures and inspection, and to establish and regulate a fire department and fire companies.

Ninth, To prevent immoderate riding or driving in the steets, and cruelty to animals.

Tenth, To regulate the erection of buildings, and to regulate entrances and exits to public halls and theaters, and to direct the closing of public halls and theaters until proper exits are provided, to prevent the encumbering of the streets, sidewalks and public alleys with fire-wood, lumber, carriages, boxes and other things, and provide for the care, preservation and improvement of public grounds.

Eleventh, To restrain or regulate the running at large of cattle, horses, swine, sheep and other domestic animals, and establish and maintain a pound for impounding the same, subject to the provisions of chapter one hundred and seventy-nine of the Revised Laws as to notices, fines, penalties and fees, which fines, penalties and fees may be doubled.

Twelfth, To provide a supply of water for the protection of the village against fire, and for other purposes, and to regulate the use of the same.

Thirteenth, To compel all persons to remove from the sidewalks and gutters adjacent to the premises owned or occupied by them, all snow, ice, dirt and garbage, and to keep such sidewalks and gutters clean.

Fourteenth, To license inn-keepers, keepers of saloons or victualing houses, and auctioneers, under such regulations and for such sums of money as shall be prescribed therefor.

Fifteenth, To regulate or restrain the use of rockets, squibs, fire-crackers or other fire works in the streets or commons, and to prevent the practicing therein of any amusements having a tendency to injure or annoy persons passing thereon, or to endanger the security of property.

Sixteenth, To regulate gauging; the place and manner of selling and weighing hay; packing, inspecting and branding beef, pork and produce, and selling and measuring wood, lime and coal, and to appoint suitable persons to superintend and conduct the same.

Seventeenth, To regulate porters, truckmen, cartmen and cartage; also hackney coaches, cabs and carriages, and their drivers.

Eighteenth, To prescribe the powers and duties of watchmen of said village.

Nineteenth, To regulate the grade of streets, and the grade and width of sidewalks, and the construction thereof, and protect the same.

Twentieth, To provide for lighting the village.

Twenty-first, To prohibit and punish wilful injury to trees planted for shade, ornament, convenience or use, public or private, and to prevent and punish trespasses, or wilful injuries to or upon public buildings, squares, commons, cemeteries or other property.

Twenty-Second, To restrain and punish vagrants, mendicants and common prostitutes, and to suppress houses of ill fame.

Twenty-third, To establish and maintain a public library and reading room.

Twenty-fourth, To regulate the burial of the dead.

And said village may make, establish, alter, amend or repeal, any other by-laws, rules and ordinances which it may deem necessary for the well being of said village, and not repugnant to the constitution or laws of this State or of the United States.

SEC. 15. The by-laws, rules and ordinances of said village shall be recorded in the office of the clerk of said village, and the clerk's certificate that such by-laws, rules and ordinances were adopted at an annual meeting of said village, or at a special meeting thereof, called for that purpose, shall be *prima facie* evidence of such fact in any court in this State; and certified copies of said by-laws, rules, ordinances and clerk's certificates shall also be received as evidence in all the courts in this State.

SEC. 16. Said village may impose a fine not exceeding one hundred dollars for the breach of any by-law, rule or ordinance. The court shall impose the costs of prosecution in addition to the fine, in case of conviction, and when it may be necessary to abate a nuisance, the expense of the abatement may be imposed on the delinquent in addition to such fine and costs. If the delinquent neglects to pay any fine and costs legally imposed upon him he shall be committed to the common jail in Rutland county until such sentence is complied with or he is otherwise legally discharged from such imprisonment.

SEC. 17. The territory embraced within the limits of said village is hereby constituted a school district with all the powers conferred by law upon school districts, and said corporation shall maintain public schools in said village and may establish graded or high schools, the management of which shall be exclusively controlled by the prudential committee, and a tax upon the grand list of said village for the purpose of maintaining schools shall be voted by said village whenever the same may be required. All the corporate property of school district number fourteen in Rutland, and number twenty-one in Pittsford, said districts being within the limits of said village, shall pass to and become the corporate property of said village. The prudential committee who shall be in office in said village when the grand list for the year 1885 is completed in May next, shall, immediately thereafter, assess a tax upon said grand list for District No. 21 in Pittsford, sufficient to raise the sum of five hundred dollars, to pay the debt now owed by said district No. 21 for its present school house, for the purpose of equalizing the liabilities of the two districts, and the collector of said village shall proceed in the same manner to collect and pay over said tax to the treasurer of said village, and shall be liable for the moneys collected and may be proceeded against for not collecting said tax in the same manner as provided by law against collectors of town taxes, and in the warrant for the collection of said tax it shall specify the time when the same shall be collected and paid into the treasury of the district created by

this act. All other debts or liabilities of either and both districts become the debts and liabilities of said village.

SEC. 18. The territory embraced within the limits of said village in the town of Rutland shall constitute a highway district of the town of Rutland, and the territory embraced within the limits of said village in the town of Pittsford, shall constitute a highway district of the town of Pittsford, and the highway taxes shall be assessed upon the polls and ratable estate of said village, by the trustees of said village and shall be paid in money to the treasurer of said village, at the rate required by law to be paid when a town votes to have the highway tax paid in money. The highway money so collected shall be paid, worked out and expended on the highways in said village under the direction and control of the trustees; and said village may vote such further sum as may be deemed expedient to be used and expended by the trustees in building, constructing, maintaining and repairing the streets, highways, walks, alleys, sewers and lanes of said village, and no surveyors of said highway districts shall be required or chosen by said towns.

SEC. 19. The trustees of said village may lay out, alter, maintain and discontinue any street, road, lane, alley or walk in said village, and appraise and settle the damages thereof, causing their proceedings to be recorded in the office of the clerk of the town of Rutland, if such damages relate to property situated within the town of Rutland, but if such damages relate to property situated in the town of Pittsford then such proceedings shall be recorded in the office of the clerk of the town of Pittsford; provided that any person or persons aggrieved by their appraisal shall have the like opportunity for applying to the county court for the county of Rutland to obtain redress, as is or may be allowed by law to those aggrieved with the proceedings of selectmen in similar cases.

SEC. 20. When authorized by the vote of said village at any legal meeting duly warned, the said trustees, or a majority of them, may construct sewers and drains within the limit of said village, and for that purpose may enter upon the lands of any land owners in said village, and lay, make and maintain a sewer or drain through such land, and repair the same when necessary, upon payment or tender of payment of such compensation as damages therefor as the said trustees shall award to such land owner or to any tenant or occupant of such land. Payment or tender of payment of damages in such case may be made to such land owner or occupant of the land through which such sewer or drain is to be laid, or to the agent or attorney or any such person entitled to compensation.

SEC. 21. Said trustees in making, altering or repairing sidewalks, culverts, sewers and drains shall have power, subject to the ordinances and by-laws of said village, on twelve days' notice to the parties interested, of the time and place of hearing, to assess the owner or owners of land or lands benefited thereby, so much of the expense of making, altering or repairing the same as said trustees shall judge such lands to be benefited thereby.

SEC. 22. When said trustees enter upon lands under the authority and for the purpose above named, they shall give twelve days' notice to all persons owning or interested in such lands when they will hear and consider the question of damages, or assessments for benefits, or both. And in all cases when either assessments are made or damages are allowed the said trustees shall forthwith make a report of their doings, which report they shall cause to be filed in the office of the village, who shall record the same in the records of said village.

SEC. 23. When any person shall be dissatisfied with the decision of said trustees in the award of damages for laying, making, altering or repairing any sewer, drain, sidewalk or culvert, or in any assessment for benefits of the same, such person may petition the Rutland county court for a re-assessment of such damages or benefits. Said petition shall be served on the clerk of said village within sixty days next after said award of damages or assessment for benefit shall be filed in said clerk's office, and at least twelve days before the session of the court to which it shall be addressed, and such petition shall not delay the making or repairing of such sewer or drain or sidewalk or culvert.

SEC. 24. The county court shall, when petitioned under the provisions of the preceding section, appoint commissioners as in case of an application for laying out a highway. Such commissioners shall notify the petitioners and one or more of the trustees of the time and place of hearing and shall examine the premises and circumstances of the case and make a new appraisal, and the court, on their report, may set aside the former assessment of the damages and render judgment for such sum as appears just; and if the sum is greater than the sum before allowed, the court may tax costs for the petitioner; otherwise the village shall receive its costs. But if no proceedings for re-assessment are instituted within the time therein limited, then the award of damages or assessment for benefit shall be established as valid, and shall be collectible.

SEC. 25. The amount of such assessment or assessments as fixed by the final decision, either of the county court or the said trustees shall, when the record thereof is duly recorded in the said village clerk's office, be a lien upon the land or lands so assessed, and if the owner or owners of such land or lands shall neglect for the space of six months after the final decision of said trustees or of the county court to pay to the treasurer of said village the amount of such assessment or assessments, the trustees shall make out a rate bill of the same, giving therein a general description of the lands so assessed, and shall seasonably deliver such rate bill to the collector of taxes for said village with a warrant thereto attached, signed by a justice of the peace in and for the county of Rutland, for the collection of said assessment or assessments, which warrant shall be in the same form and shall be enforced in the same manner now prescribed by law for the collection of town and other taxes. And the collector shall receive like fees as in the collection of taxes. It shall be the duty of the clerk of said village in all the foregoing cases when an encumbrance is created upon land by proceedings of

the said trustees or county court, forthwith to cause a duly certified transcript of the record thereof to be filed in the town clerk's office of the town in which said land is situated, and there recorded.

SEC. 26. The said village, in its corporate capacity, is hereby authorized and empowered to provide a supply of pure water for public and private uses in said village; and for that purpose it may take and hold, by purchase or otherwise, such ponds, springs, streams, water sources, and the waters thereof, within the limits of said towns of Rutland and Pittsford, and such lands under and around the same as may be necessary for the purposes aforesaid.

SEC. 27. The said village, for the purpose of using the water taken as aforesaid, may take and construct dams and reservoirs, lay pipes and aqueducts, and connect the same with the pipes and reservoirs now laid or which may hereafter be laid or constructed by said village, to convey the water taken as aforesaid to the reservoirs of said village, and may take, by purchase or otherwise, any lands which may be necessary therefor, in said towns of Rutland and Pittsford.

SEC. 28. Said village shall, within sixty days after taking any springs, streams, water sources or lands under the provisions of this act, file in the office of the town clerk of the town where such lands, springs, ponds, streams or water sources are taken, a description of the same, sufficiently accurate for identification at all times.

SEC. 29. The said village shall be liable to pay all damages that shall be sustained by any person in their property, by the taking of any lands, springs of water, water sources, streams or ponds, by the construction of any dams or reservoirs, or the laying of any pipes, hydrants or aqueducts, or other works for the purposes aforesaid; and if such person shall be dissatisfied with the sum offered or tendered to him by the trustees of said village, for his damages in the premises, such person may petition the county court for the county of Rutland for the appointment of three commissioners to assess his damages in the premises.

SEC. 30. Such petition shall be served on one of the trustees of said village, within sixty days next after the filing of the description of the property so taken as aforesaid, in the town clerk's office of the towns of Rutland or Pittsford, as required by the twenty-eighth section of this act.

SEC. 31. The same proceedings shall be had in the county court upon such petition as upon the petition of a person dissatisfied with the award of damages of trustees in laying out sidewalks or sewers.

SEC. 32. A person who diverts any part of the water from the sources taken by the village pursuant to the preceding sections, or who maliciously destroys or injures a dam, reservoir, aqueduct, pipe, hydrant, or any similar property, or property appurtenant thereto, held, owned or used by said village, or wantonly or maliciously diverts any part of the water from an

aqueduct belonging to said village, or corrupts said water, or renders it impure, or obstructs its flow by unnecessarily depositing any foreign substance therein, or wantonly or maliciously interferes with the distribution or flow of the water of said aqueduct, by altering, opening or shutting a stop-cock, gate, hydrant, or gauge, in or attached to said aqueduct, shall be fined not more than three hundred dollars, and imprisoned not more than six months, and shall forfeit to the village three times the amount of damage occasioned by such act, to be recovered, with costs, in an action founded on this statute, in the name of said village.

SEC. 33. The grand list of the polls of the inhabitants and ratable estate within said village, as made out by the listers of the towns of Rutland and Pittsford, respectively, shall be the grand list of said village, and the trustees shall cause a copy of said list to be made and filed in the office of the clerk of said village within ten days, or as soon thereafter as practicable, after the same shall be completed in said town clerks' offices.

SEC. 34. In the division of the public school moneys, that portion of said village situated in the town of Pittsford, shall be treated in all respects as if the same were a separate school district of said town of Pittsford, and that portion of said village situated in the town of Rutland, shall be treated in all respects as if the same were a separate school district of said town of Rutland.

SEC. 35. The treasurer of said village shall keep a separate account of the moneys paid into the treasury, arising from the highway tax, or received from any other source to be expended for highway purposes, and a separate account of the moneys paid into the treasury arising from the tax for school purposes, or received from any other source, to be expended for school purposes.

SEC. 36. No money shall be expended by any person for or in behalf of said village, except by the trustees and prudential committee, and no money shall be paid out of the village treasury, except upon orders signed by the trustees or a majority of them, or upon orders signed by the prudential committee, or a majority of them. The trustees and the prudential committee shall each keep a full and true record and account of all orders drawn and expenditures made by them, and shall each make report thereof at each annual meeting of said village, or such other time or times as said village shall direct. And said village may make all needful by-laws, rules and regulations in reference thereto, and for the government of said officers.

SEC. 37. The trustees of said village shall have the same power of granting licenses and vacating the same within the limits of said village agreeably to the by-laws, rules and ordinances thereof, that the selectmen have by chapter one hundred and seventy-seven and chapter one hundred and eighty-six of the Revised Laws, and all moneys received for such licenses shall belong to the village treasury, and be paid into the same.

SEC. 38. The trustees shall cause to be maintained in said vil-

lage at the expense of said village, a good and sufficient pound for the impounding of all beasts liable by law to be impounded, and said trustees shall appoint a pound-keeper for said village, who shall hold this office until removed by said trustees, a record of whose appointment shall be made in the records of said village by its clerk. Said pound-keeper shall be entitled to the same fees, and subject to all the duties imposed upon pound-keepers of towns.

SEC. 39. A citizen or resident of said village shall not, by reason of being such citizen or resident, be disqualified to act as judge, justice of the peace, sheriff or constable in any cause or proceeding in which said village may be interested.

SEC. 40. The said village may, at any annual meeting or special meeting called for that purpose, as hereinbefore provided, lay a tax on the polls of the inhabitants of said village, and the ratable estate within the same, whether of residents or non-residents, for any of the purposes hereinbefore mentioned, and the trustees shall make out a rate bill accordingly and deliver the same to the collector who shall have the same power to collect such tax as the collector of town taxes, and may in like manner sell property to satisfy the same, and for want thereof commit any person against whom he has such a tax, to jail.

SEC. 41. All the fines, penalties or forfeiture imposed or incurred for the breach or violation of any of the provisions of this act or by-laws of said corporation may be prosecuted and recovered before any justice of the peace, within and for the county of Rutland, in an action on the case brought in the name of said corporation, declaring generally for the breach of such by-law, rule or ordinance, or a section of this act, and process may issue against the body of the defendant, in the same manner as provided by law in actions founded on tort, and the execution shall contain a brief statement of the cause of action for which judgment was rendered, and the defendant therein shall be confined in close jail until the same, with all accrued costs, is fully paid and satisfied, or he is otherwise legally discharged.

SEC. 42. This act shall be a public act, and may be altered, amended or repealed by any future legislature.

SEC. 43. This act shall take effect when its acceptance by a majority of the legal voters of said proposed village present, at a meeting thereof to be held in the upper room of the school house in district number twenty-one, in Pittsford, as soon as practicable after the passage of this act, for the purpose of acting upon the matters hereinafter specified in the notice or warning for said meeting. Said meeting shall be held at seven o'clock and thirty minutes in the afternoon, and Nelson G. Piper is hereby authorized to call the same, and the notice or warning thereof shall be substantially as follows:

To the legal voters of the town of Pittsford, residing in district number twenty-one, and the legal voters of the town of Rutland residing in district number fourteen, and also on the farm southerly and adjacent to said district number fourteen, former-

ly known as the German H. Chatterton farm, and now owned by Nelson G. Piper. You are hereby notified and warned to meet in the upper room of the school house in district number twenty-one, in Pittsford, on the day of 188 , at seven and one-half o'clock P. M., to act upon the following matters, viz:

1st. To see if said voters will vote to accept the provisions of the act of the General Assembly of the State of Vermont, passed A. D. 1884, entitled "An Act to Incorporate the Village of Proctor." If said voters shall vote to accept the provisions of said act, then:

2d. To elect the following officers of said village, viz: president, clerk, treasurer, collector of taxes, three auditors, three fire wardens, one trustee and one prudential committee who shall each serve until the annual meeting of said village to be held in 1885, and until their successors are elected; one trustee and one prudential committee to serve until the annual meeting of said village to be held in 1886, and until their successors are elected; and one trustee and one prudential committee to serve until the annual meeting of said village, to be held in 1887, and until their successors are elected.

3d. To see if said voters will vote a tax upon the grand list of said village to pay necessary current expenses.

4th. To transact and act upon any and all other business necessary and proper to complete the effective organization of said village. Dated at Sutherland Falls, this day of 1884.

Said notice or warning shall be posted up in at least two public places within the limits of said proposed village in each of the towns of Pittsford and Rutland at least ten days before the time appointed for said meeting.

Approved Nov. 25, 1884.